

REMARKS

Claims 1-3, 17-21, 25, 26 and 29-30 will be pending following entry of this amendment. Claims 1, 29 and 30 are amended. Claims 22-24 are canceled. No new matter has been added.

A request for an extension of 1 month's time is being filed concurrently herewith.

Claim Rejections under 35 U.S.C. §103 (a)

The Office Action rejects claims 1-3, 17-36, 29 and 30 under 35 U.S.C. §103 (a) as unpatentable in view of US patent 5,972,923 (Simpkins).

Claims 1-3, 17-36, 29 and 30 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Simpkins *et al.* The office action alleges that the substitution of one polyphenol, flavanoid for another within the same genus would have been obvious to a person skilled in the art.

Simpkins teaches specifically that the cryoprotective effects of a polycyclic phenol is substantially enhanced when administered in combination with at least one additional anti-oxidant (column 3, lines 49-52). An example of such a cryoprotectant is the combination of (i) a polycyclic phenol, in this case estrogens or estradiols and (ii) an anti-oxidant selected from: thiol (R-S-H), phenol, spin trapping agent, aromatic amine, carotenoid, flavonoid, the element selenium, aminosteroids and ubiquinones. Included in the group of flavonoids purported to function as anti-oxidants are the compounds, kaempferol and quercetin.

Simpkins only provides data supporting the combination of polycyclic phenols such as 17 β -estradiol, α -estradiol or estratriene-3-ol with the anti-oxidant glutathione (GSH). (See examples 1-3). No other combinations are tested or formulated.

Claim 1 was previously amended to specifically remove reference to kaempferol and quercetin. Claims 1, 29 and 30 have now been further amended to remove reference to compounds of formula 'C' and compounds which superficially resemble kaempferol and quercetin such as 'galangin', 'rhamnetin' and 'quercetagenin'. Claims 22-24 are canceled.

Applicants respectfully submit that the instant claims, which are directed to a methods of treating Alzheimer's disease and now exclude the entire genus of disputed compounds and are therefore not obvious in view the teachings of Simpkins.

Applicant believes they have responded fully to all of the concerns expressed by the Examiner in the Office Action. Applicant respectfully requests reexamination of all rejected claims and early favorable action on them. If the Examiner has any further concerns, Applicant requests an immediate call to Rebecca Eagen at (425) 823-0400 ext. 39.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rebecca Eagen', with a stylized, cursive script.

Rebecca Eagen
Reg. No. L0386

PROTEOTECH, INC.
12040 115TH AVENUE N.E.
KIRKLAND, WA 98034
425-823-0400 x39